



The Regular Meeting of the  
**Brian Head Town Council**  
 Town Hall Council Chambers  
 56 N. Hwy 143, Brian Head, UT 84719  
**TUESDAY, APRIL 26, 2011@ 1:00 PM**  
**AGENDA**

- A. CALL TO ORDER**
  - B. PLEDGE OF ALLEGIANCE**
  - C. DISCLOSURES**
  - D. APPROVAL OF THE MINUTES:**
    - 1. March 22, 2011 Town Council Meeting**
    - 2. March 29, 2011 Town Council Special Meeting**
  - E. PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items**
  - F. AGENDA TOPICS:**
    - 1. PUBLIC SAFETY BUILDING SURVEY REVIEW.** The Town Council will review the Public Safety Building surveys that were sent to Brian Head registered voters.
    - 2. PUBLIC SAFETY BUILDING PROJECT COMMITTEE ESTABLISHMENT FOR REQUEST FOR PROPOSALS (RFP) REVIEW AND RECOMMENDATIONS** – Bryce Haderlie, Town Manager. The Council will establish a committee to review the bids for the public safety building project who will submit a recommendation to the Town Council.
    - 3. USDA PARTIAL PAY REQUESTS FOR MARCH, 2011.** – Tom Stratton, Public Works Director. The Council will approve the March, 2011 USDA partial pay requests for water system improvements.
    - 4. PROPOSED AMENDMENT TO ORDINANCE NO. 09-012, BRIAN HEAD WATER CODE.** Tom Stratton, Public Works Director. The Council will consider an amendment to Ordinance No. 09-012 amending the water code which would prohibit purchasing of bulk water from another residential/commercial customer.
    - 5. CONSOLIDATED FEE SCHEDULE DISCUSSION** – Tom Stratton, Public Works Director & Nancy Leigh, Town Clerk. The Council will discuss proposed changes to the Consolidated Fee Schedule.
    - 6. 2011-2012 BRIAN HEAD TOWN BUDGET REVIEW** – Cecilia Johnson, Town Treasurer. The Council will review the proposed 2011-2012 Town Budget.
  - G. ADJOURNMENT**
- Dated the 22<sup>nd</sup> Day of April, 2011**

Available to Board Members as per Resolution No. 347 authorizes public bodies, including the Town, to establish written procedures governing the calling and holding of electronic meetings at which one or more members of the Council may participate by means of a telephonic or telecommunications conference. In compliance with the Americans with Disabilities Act, persons needing auxiliary communications aids and services for this meeting should call Brian Head Town Hall @ (435) 677-2029 at least three days in advance of the meeting.

**CERTIFICATE OF POSTING**

I hereby certify that I have posted copies of this agenda in three public and conspicuous places within the Town Limits of Brian Head; to wit, Town Hall, Post Office and The Mall on this 22<sup>nd</sup> day of April 2011 and have posted such copy on the Utah Meeting Notice Website and have caused a copy of this notice to be delivered to the Daily Spectrum, a newspaper of general circulation.

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 Bryce Haderlie, Town Manager

**The Regular Meeting of the  
Brian Head Town Council  
Town Hall Council Chambers  
56 N. Hwy 143, Brian Head, UT 84719  
TUESDAY, APRIL 26, 2011@ 1:00 PM**

**Roll Call.**

**Members Present:** Mayor H.C. Deutschlander, Council Member Stewart Fausett Council Member Hans Schwob  
Council Member Jim Ortler Council Member Linda Ames

**Staff Present:** Bryce Haderlie, Nancy Leigh, Cecilia Johnson, Tom Stratton, Wendy Dowland, Gary Bulloch,  
Dan Benson, Chet Hovey, Town Engineer

**A. CALL TO ORDER**

Mayor Deutschlander called the regular meeting of the Brian Head Town Council to order at 1:00 p.m.

**B. PLEDGE OF ALLEGIANCE**

Mayor Deutschlander led the Council and others in the Pledge of Allegiance.

**C. DISCLOSURES**

There were no conflicts of interest in today's agenda items. Mayor Deutschlander stated that the disclosure statements are on file at the Recorder's office and are available for public inspection during normal business hours.

**D. APPROVAL OF THE MINUTES:****March 22, 2011 Town Council Meeting**

**Motion:** Council Member Ortler moved to approve the March 22, 2011 Town Council minutes. Council Member Ames seconded the motion.

**Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Mayor Deutschlander, Council Member Fausett, Council Member Schwob, Council Member Ortler, Council Member Ames).

**March 29, 2011 Town Council Special Meeting**

**Motion:** Council Member Ortler moved to approve the March 29, 2011 Town Council minutes. Council Member Ames seconded the motion.

**Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Mayor Deutschlander, Council Member Fausett, Council Member Schwob, Council Member Ortler, Council Member Ames).

**E. PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items**

**Nancy Leigh, Town Clerk,** updated the Council on the Utah Municipal Clerks spring conference she recently attended.

**Mayor Deutschlander**

1. Updated the Council on new federal legislation.
2. Updated the Council on Senator Hatch's effort to designate Utah's wildland,
3. Requested the Town Manager draft a letter of support to Paul Relandt, Cedar Breaks National Monument, as part of a regional effort for recycling. Mr. Roelandt, Cedar Breaks National Monument, requested support from the town.
4. The passing of Senator Dennis Stowell has been a great loss to Southern Utah. Especially to Brian Head Town in which Senator Stowell was a valuable political supporter.

**Bryce Haderlie, Town Manager**

1. Recently attended the Utah League of Cities and Towns midyear conference in St. George. During the conference, Bryce spoke with Roger from the League regarding Brian Head's "hold harmless" agreement with the State Tax Commission and the impact on Brian Head when the agreement sunsets in 2013. Roger informed Bryce that out of the 15 communities under the agreement, 8 of those communities have surpassed the tax revenue. Roger believes the legislature would not be supportive of another agreement for the remaining seven communities.
2. Staff met with Robert Dowell, Utah Department of Transportation (UDOT), to discuss the issues surrounding the ATV trail between Brian Head and Duck Creek with the Forest Service. The town will be petitioning UDOT to allow ATV's to run highway 143 from the Dry Lakes entrance to Second Left Hand in order to access the #1 ATV trail to Panguitch Lake and Duck Creek. This would be a temporary solution until the Forest Service completes their studies on the proposed ATV route from Brian Head Peak to Sydney Valley.
3. Approached USDA regarding grant options for the Public Safety building as another source of funds. USDA has informed the town there is a possibility of \$50,000 in grant money available, but due to the time factor, it could be an issue and suggested the town wait until next year to apply for a grant. Chet Hovey, Town Engineer,

commented that it could cost the town more in applying for the grant and USDA would then dictate the project if grant funds were received.

4. Participated in the Brian Head Resort's cardboard downhill race last weekend. Brian Head Resort also held their Spring Carnival events in which Bryce entered a dummy into dummy jump event, during both events he noticed the attendance of participants were low. Bryce encouraged the public to participate in the events which are put on by the businesses in Brian Head and sent out a challenge for more participants next year.

### **Chamber of Commerce Quarterly Report**

Angie Haderlie, Chamber Director, presented the Council with the Chamber's quarterly report for the first quarter of 2011 (see attached). Angie updated the Council on the snowmobile poker run held in March and a new ATV event for a dutch oven ATV run in September. A committee has been formed to coordinate the ATV Dutch oven ride. The Chamber is supportive of the events that promote Brian Head and hopes to see more of them every year.

## **F. AGENDA TOPICS:**

1. **PUBLIC SAFETY BUILDING SURVEY REVIEW.** Review of the submitted surveys sent to Brian Head registered voters.

Mayor Deutschlander explained that staff has sent out a survey requesting the registered voters' opinion on the proposed Public Safety Building project (see attached survey). Mayor Deutschlander went on to explain the survey results have remained unopened until today and the Council will review the surveys that have been submitted. Mayor Deutschlander then opened and read the survey results:

The results of the survey:	Those in favor of the Public Safety Building:	23
	Those opposed to the Public Safety Building:	10
	Undecided:	03

Staff submitted surveys that were faxed and mailed into the town for the Council's review. The following are the results of those surveys:

Those in favor:	4
Those opposed	1

Mayor Deutschlander requested staff to scan the surveys and make them available on the town's website and also available to the public for review during normal business hours.

2. **PUBLIC SAFETY BUILDING PROJECT COMMITTEE ESTABLISHMENT FOR REQUEST FOR PROPOSALS (RFP) REVIEW AND RECOMMENDATIONS.** The establishment of a committee to review the bids for the public safety building project who will submit a recommendation to the Town Council.

Bryce Haderlie, Town Manager, explained that staff has advertised a request for proposals (RFP) for the public safety building project with a deadline for submittals on April 29, 2011. Bryce updated the Council on the mandatory meeting for those interested in submitting a proposal to the town, in which 14 individuals attended the meeting to review the current public safety building and the needs of the town for the proposed project.

Bryce requested the Council establish a committee to review the proposals and allow the committee to make a recommendation to the Council on a contractor/architect team.

Discussion of the Council: A committee consisting of: Mayor Deutschlander, Council Member Fausett, Town Manager, Public Safety Director, Public Works Director, Larry Freeberg and Clayton Calloway from the Planning Commission will meet on Monday, May 2, 2011 at 9:00 am to review the submitted proposals and will make a recommendation of two or three of the top scoring teams to present to the Council during the May 10, 2011 Council meeting.

Discussion was held regarding the establishment of a smaller group of individuals to work with the team that is chosen once the project has begun. This group would be updating the Council on their meetings. Bryce requested the Council to give authority to the group to make decisions on behalf of the town.

Council Member Ames inquired if there is a requirement for public hearings for the final decision in order to receive the 2.6 million dollar loan from Community Impact Board (CIB). Bryce responded the town is not yet in the final stages of obtaining the loan money and the funding would not be available until a certain date so the town would not be "fronting" money to the contractor/architect team until the town receives the funds from CIB. Council Member Ames stated that a decision appears to have already been made and has concerns about the appearance the town has already made a decision at this time. Council Member Ortler stated that the town is not obligated at this time until the Council decides to move ahead with an official vote of the Council and the contest period of 45 days has expired which will be the end of May, 2011.

Discussion was held regarding whether the town would be financially obligated if the contractor/architect started to move forward on the project prior to the town making a final decision. Bryce reported he will confirm with legal on this issue and will report back to the Council on whether contractors would be required to be reimbursed by the town for any work completed prior to the final decision of the Council.

**Motion:** Council Member Ortler moved to appoint a review committee consisting of: Mayor Deutschlander, Council Member Fausett, Bryce Haderlie, Gary Bulloch, Tom Stratton, Larry Freeberg and Clayton Calloway to review the submittals for the Public Safety Building and to evaluate the submittals and make a recommendation to the Council for action during the May 10, 2011 Town Council meeting. Council Member Schwob seconded the motion.

**Action:** Motion carried 3-0-2 (**summary:** Yes = 3, No = 0, Abstain = 2 **Vote: Yes:** Council Member Schwob, Council Member Ortler, Council Member Ames. **Abstain:** Mayor Deutschlander, Council Member Fausett).

Bryce inquired if the Council would allow the committee to determine what a local contractor/architect team is. Consensus of the Council: the committee will make that determination of what team is considered local.

**3. USDA PARTIAL PAY REQUESTS FOR MARCH, 2011.** The March, 2011 USDA partial pay requests for water system improvements.

Chet Hovey, Town Engineer, presented the partial pay requests for USDA for March, 2011 (see attached).

**Administration Partial Pay Request #19** in the amount of \$39,427.00 was presented for approval.

**Motion:** Council Member Ames moved to approve Administration Partial Pay Request #19 in the amount of \$39,419.00. Council Member Schwob seconded the motion.

**Action:** Motion carried 5-0-0 (**summary:** Yes = 5 **Vote: Yes:** Mayor Deutschlander, Council Member Fausett, Council Member Schwob, Council Member Ortler, Council Member Ames).

Chet updated the Council on the construction progress for the Bearflat well project. The Council will be reviewing the partial pay requests for the well project in the near future. Chet reported he has cleared up Administration Partial Pay Request #2 with USDA, as requested by Council. The driller, Jay Grimshaw, has offered to take anyone who is interested in a tour of the site and give them information on the project.

Discussion took place regarding the Bearflat well and the noise associated with the drilling of the well. Chet responded that he will check with the driller on the noise issue. Chet confirmed with the Council the well will not exceed 1,300 feet. The Council agreed.

**4. PROPOSED AMENDMENT TO ORDINANCE NO. 09-012, BRIAN HEAD WATER CODE.**

An amendment to Ordinance No. 09-012 amending the water code which would prohibit purchasing of bulk water from another residential/commercial customer.

Mayor Deutschlander explained this is an amendment to the Water Code which is already adopted. The amendment addresses the issue of prohibiting the users to sell water to public (see attached).

**Motion:** Council Member Ortler moved to adopt Ordinance 11-002, amending the Brian Head Water Code subject to legal's approval. Council Member Ames seconded the motion.

Council Member Schwob inquired if this amendment prohibits the filling of RV's for personal use. Tom Stratton, Public Works Director, responded it would not prohibit personal use as long as they are not selling the water.

**Action:** **Motion carried 5-0-0, roll call vote (summary:** Yes = 5 **Yes:** Mayor Deutschlander, Council Member Fausett, Council Member Schwob, Council Member Ortler, Council Member Ames).

**5. CONSOLIDATED FEE SCHEDULE DISCUSSION.** Discussion on proposed changes to the Consolidated Fee Schedule.

Tom Stratton, Public Works Director, requested direction from the Council on the Consolidated Fee Schedule that was discussed during the budget retreat. The Council held discussion on the following items:

1. **Business License Fees:** Council Member Ortler reported that Nancy Leigh, Town Clerk, presented an evaluation of the types of businesses in Brian Head and the amount of time the type of business requires over and above the normal process, specifically, Nightly Rental businesses. Council Member Ortler suggested an increase for Nightly Rental applications to \$160.00 for a new application and \$80.00 for a renewal application.
2. **Administrative Fees/Return Check Fee:** Discussion held regarding the \$25.00 charge for returned checks. It was determined that staff will verify with state law regarding the amount which can be assessed by a municipality and also confirm with the bank on any fees that may be assessed to the town for a returned check.
3. **Building Permit Fees:** Discussion took place regarding the remodel permit fee of \$50.00 p/square foot and this being an unreasonable fee. Staff will create a new line for "unfinished space" and present an amount for Council's consideration.
4. **Water Connection Fees:** Discussion on the meter size and charge. It was determined that the Consolidated Fee Schedule will reflect a change to the meters to identify a 1" and all others" for the same amount. Eliminate the middle section. The note pertaining to "erc's" will be modify to reflect the \* be eliminated from the "cabin" and "condo" section and apply to "all others" instead.
5. **Solid Waste Discussion:** Council Member Ortler stated his concerns regarding the burden that is placed on the businesses that produce very little garbage and are paying \$74.00 p/month and the residential that pay \$11.00

p/month. Council Member Ortler commented that he believes some of the businesses are doing 100% recycling instead of utilizing the dumpsters. Council directed staff to re-evaluate the garbage fees to the commercial businesses to determine a more equitable rate and present the proposal to the Council for consideration.

6. **Water Rate/allocation.** It was determined by the Council during the budget retreat that all commercial businesses will receive a 5,000 gallon allocation with their monthly base rate.

**Motion:** Council Member Ortler moved to recess the regular meeting of the Brian Head Town Council for 15 minutes. Council Member Ames seconded the motion.

**Action:** Motion carried 5-0-0 (**summary:** Yes = 5 **Yes:** Mayor Deutschlander, Council Member Fausett, Council Member Schwob, Council Member Ortler, Council Member Ames).

The regular meeting of the Brian Head Town Council was recessed at 3:15 p.m. The meeting was then reconvened at 3:30 p.m.

**6. 2011-2012 BRIAN HEAD TOWN BUDGET REVIEW** A review of the proposed 2011-2012 Town Budget. Cecilia Johnson, Town Treasurer, presented the proposed 2011-2012 town budget for the Council's review (see attached). Cecilia reported that Council directed staff to prepare a draft budget for review prior to the approval of the tentative 2011-2012 budget that will be presented during the May 10, 2011 Town Council meeting.

The Council reviewed the following items in the proposed budget:

1. The Council did not review the Debt Service Schedule during the budget retreat. The town is required to submit the debt service to the county who determines the amount the town is collect. The town has collected approximately \$285,000.00 of unanticipated funds over the past years, but was not identified these funds as a revenue source for the town. Discussion was held regarding whether the town has the ability to change the amount identified by the county and if the additional funds could be used in the General Fund. Bryce responded that the town cannot change the amount identified by the county for the town's debt service, but the funds could be used in the general fund or remain in the debt service fund. **Consensus of the Council:** The Debt Service Principal will be identified at \$302,187 and reported to the county as the town's debt as required by law.
2. Business License Revenue will be increased by \$4,000.00 to reflect total projected revenue of \$8,500.00.

**Consensus of the Council.**

Council directed staff to prepare a proposed 2011-2012 budget to be presented to Council during the May 10, 2011 Town Council meeting.

**G. ADJOURNMENT**

**Motion:** Council Member Ortler moved to adjourn the regular meeting of the Brian Head Town Council for April 26, 2011. Council Member Ames seconded the motion.

**Action:** Motion carried 5-0-0 (**summary:** Yes = 5 **Yes:** Mayor Deutschlander, Council Member Fausett, Council Member Schwob, Council Member Ortler, Council Member Ames).

The regular meeting of the Brian Head Town Council was adjourned at 3:55 p.m. for April 26, 2011.

May 24, 2011

Date Approved

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Nancy Leigh, Town Recorder/Clerk